



**Gregory Hlibok**  
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ZVRS Holding Company, parent company  
of CSDVRS, LLC d/b/a ZVRS and  
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October 21, 2019

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th St. SW  
Washington, DC 20554

**Re: Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123**

Dear Ms. Dortch:

On October 17, 2019, I had an email exchange with Jeff Rosen, General Counsel of Convo Communications, LLC (“Convo”). *See Attachment A*. Commission staff have indicated their belief that the exchange should be filed with the Commission as an *ex parte* communication in the above-referenced docket. We had questions regarding this advice, but we are happy to comply.

As *Attachment A* makes clear, the thrust of the conversation was a plea to Convo to cease spreading misinformation in the deaf and hard of hearing community (the “Community”) regarding service-related equipment, product agreements and non-service related inducements. In multiple social media postings, Convo is representing its *opinions* about service-related equipment, product agreements, and non-service related inducements, *it’s hoped for policy outcomes*, as though it is FCC policy or the law. Convo’s statements are causing anxiety and confusion in the Community and I asked Convo to please stop.

As I made clear to Convo, issues related to non-service related inducements and service-related equipment are squarely before the Commission in response to Convo’s filings. ZVRS Holdings is only presenting its thoughts about the issues to the Commission and other stakeholders that are participating in the proceeding. The FCC docket for the proceeding is the proper venue for Convo’s interpretive arguments and opinions about the issues it has raised. While these issues **are pending before the Commission**, it is improper for Convo’s CEO and its customer service representatives to represent Convo’s advocacy to the Community as though it is fact. It is not fact. The Community deserves unfettered access to VRS, it deserves modern service-related equipment, and it deserves choice.

Respectfully submitted,

/s/Gregory Hlibok

Gregory Hlibok

Chief Legal Officer

ZVRS Holding Company, parent company  
of CSDVRS, LLC d/b/a ZVRS and

Purple Communications, Inc.

595 Menlo Drive

Rocklin, CA 95765

Attachment

**Attachment A**

10/17 Emails

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**From:** Greg Hlibok <ghlibok@zvrs.com>  
**Sent:** Thursday, October 17, 2019 9:40 PM  
**To:** Michael Scott <Michael.Scott@fcc.gov>; Jeff Rosen <jeff@convorelay.com>  
**Cc:** Sherri Turpin <sturpin@zvrs.com>; Richter, Jennifer ; Jarrod Musano  
<jarrodd@convorelay.com>; Eliot Greenwald <Eliot.Greenwald@fcc.gov>  
**Subject:** RE: Cease to spread misinformation about ZVRS and Purple's Complete Home Package program

**\*\*EXTERNAL Email\*\***

Good evening Michael and Jeff,

Michael,

Thanks for sharing your opinion that we should be taking a cautious approach by filing this email exchange as an ex parte communication. We do not believe our email to Mr. Rosen constitutes an ex parte communication for the reasons stated below. We believe that our email is not a presentation "to or from Commission decision-making personnel" that would be covered by the FCC's ex parte rules contained in 47 CFR § 1.1206. We respect that Convo has concerns and that Convo raised those concerns before the FCC in a formal rulemaking. We have responded to issues raised by Convo before the FCC, only. However, Convo has decided to play out its positions both before the FCC and the Community in a manner that is damaging to ZVRS and Purple, and misleading and confusing for the entire Community. Convo do not know how the FCC will rule and neither do we. We have not, to date, provided all of the information to the FCC, including a video we received this week, but we are happy to do so. Again, however, we have no issue with submitting this email and all the back up material about Convo's misleading statements to the official record.

Jeff,

Our cease and desist email to you is not an advocacy piece about issues that are pending before the FCC, it is a plea for you to stop providing misleading statements and misinformation to the Community about issues **that are pending before the FCC**. You are portraying your advocacy, your hoped-for outcomes, as though they are fact, as though the FCC has already ruled, which it has not. You are telling the Community that the ZVRS and Purple Complete Home Package is a violation of the FCC rules and policies. You know as a lawyer that if these issues are before the FCC, and the FCC has not ruled on them, then you don't know whether the package violates the FCC's rules or not. We know that we vetted this program with the FCC last summer and during the recent 2019 rulemaking.

At this juncture you have two choices: (1) require that everyone in your organization, from your CEO to your customer service representatives, (a) stop making false statements about ZVRS and Purple and the Complete Home Package; (b) stop representing your opinions to the Community, your hoped for policy-outcomes as though they are law and FCC policy; and (c) stop tortiously interfering with our customer relationships; or (2) ZVRS and Purple will pursue all rights and remedies it has under law.

With respect,

Greg



Gregory Hlibok

Chief Legal Officer

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**From:** Michael Scott [<mailto:Michael.Scott@fcc.gov>]

**Sent:** Thursday, October 17, 2019 8:39 PM

**To:** Jeff Rosen <[jeff@convorelay.com](mailto:jeff@convorelay.com)>; Greg Hlibok <[ghlibok@zvrs.com](mailto:ghlibok@zvrs.com)>

**Cc:** Sherri Turpin <[sturpin@zvrs.com](mailto:sturpin@zvrs.com)>; Jennifer Richter

; Jarrod

Musano <[jarrod@convorelay.com](mailto:jarrod@convorelay.com)>; Eliot Greenwald <[Eliot.Greenwald@fcc.gov](mailto:Eliot.Greenwald@fcc.gov)>

**Subject:** RE: Cease to spread misinformation about ZVRS and Purple's Complete Home Package program

Having had opportunity to review, in my opinion, it would be prudent for the parties to file ex partes to describe this exchange following the inclusion of Eliot on these emails, given the general subject matter is under consideration pursuant to a request for clarification filed by Convo. While a case could be made that Mr. Hlibok's initial email contains only a statement of ZVRS's and Purple's current understanding of FCC policies and is not directly advocating on their positions in the pending proceeding, Mr. Rosen's email directly references both the proceeding and the position of commenters to that proceeding. Given the full context and Eliot's role as a decisionmaker for ex parte purposes, caution suggests the filing of ex partes to alert the other interested parties of the asserted positions as they relate to the proceeding in the email exchange.

Please let me know should you have any questions.

Michael

Michael Scott

Attorney Advisor

Disability Rights Office/Consumer and Governmental Affairs Bureau

Federal Communications Commission

Tel: 202-418-1264

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**From:** Jeff Rosen <[jeff@convorelay.com](mailto:jeff@convorelay.com)>

**Sent:** Thursday, October 17, 2019 3:35 PM

**To:** Greg Hlibok <[ghlibok@zvrs.com](mailto:ghlibok@zvrs.com)>; Michael Scott <[Michael.Scott@fcc.gov](mailto:Michael.Scott@fcc.gov)>

**Cc:** Sherri Turpin <[sturpin@zvrs.com](mailto:sturpin@zvrs.com)>; Jennifer Richter

; Jarrod

Musano <[jarrod@convorelay.com](mailto:jarrod@convorelay.com)>; Eliot Greenwald <[Eliot.Greenwald@fcc.gov](mailto:Eliot.Greenwald@fcc.gov)>

**Subject:** Re: Cease to spread misinformation about ZVRS and Purple's Complete Home Package program

Sharing with Michael given that Eliot is out the rest of the week and any need for an ex parte filing is time sensitive.

On Thu, Oct 17, 2019 at 3:32 PM Jeff Rosen <[jeff@convorelay.com](mailto:jeff@convorelay.com)> wrote:

The question regarding whether give-aways such the ZVRS/Purple complete home package is permissible under TRS rules is squarely before the FCC in their Public Notice. Convo has not been alone in commenting to the FCC that these give-aways should be determined to be prohibited financial incentives.

Additionally, Convo was not alone in commenting to the FCC that the ZVRS/Purple agreements were impermissible.

ZVRS/Purple has continued to engage in the give-aways prior to the FCC issuing a clarification as set out in its PN. Because of this, Convo will continue to present its views about the ongoing give-aways.

Its hard to understand how ZVRS/Purple can represent that they are for "unfettered access to VRS" and "choice" when their complete home package give-aways are conditioned on existing VRS customers porting away from providers to ZVRS/Purple.

Since you have brought in Eliot, it may be that the FCC requires us to file notice of this exchange as ex parte communications.

-Jeff

On Thu, Oct 17, 2019 at 3:03 PM Greg Hlibok <[ghlibok@zvrs.com](mailto:ghlibok@zvrs.com)> wrote:

Copying Eliot Greenwald



Gregory Hlibok

Chief Legal Officer

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**From:** Greg Hlibok

**Sent:** Thursday, October 17, 2019 3:02 PM

**To:** 'Jeff Rosen' <[jeff@convorelay.com](mailto:jeff@convorelay.com)>

**Cc:** Sherri Turpin <[sturpin@zvrs.com](mailto:sturpin@zvrs.com)>; Jennifer Richter

; Jarrod

Musano <[jarrod@convorelay.com](mailto:jarrod@convorelay.com)>

**Subject:** Cease to spread misinformation about ZVRS and Purple's Complete Home Package program

Jeff,

It has come to our attention that Convo has been misinforming the community through several mediums that ZVRS and Purple's Complete Home Package offering is a violation of the FCC rules and policies. You should know that we vetted all aspects of the Complete Home Package with the FCC when the offering was launched. We were notified that Convo representatives told the customers that their agreement with ZVRS and Purple is not enforceable because it is a violation of the FCC rules and policies. This is not true. Not only is Convo tortuously interfering with our business relationships with our customers, but the misinformation you are placing in the public domain is causing anxiety and confusion among customers who deserve nothing but unfettered access to VRS, choice, and point to point video service.

We are watching and collecting all postings from Convo. We ask that you immediately cease from perpetuating this misinformation, including removal/retractions of all Convo propaganda message about ZVRS and Purple's Complete Home Package program.

Greg



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